IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

AND
THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.17808 of 2004

Between:

G.Malleswararao, S/o. Veeraswamy,
R/o.16-11-20/5/A, Saleemnagar Colony,

HYDERABAD. **..... PETITIONER**

AND

1.Station House Officer, Madhira Police Station,

Madhira, Khammam District
2.State of A.P., rep. by its Secretary,

Home Deparatment, Secretariat, Hyderabad.
3.Director General of Police, Saifabad, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a Writ of Habeas Corpus directing the respondent No.1 to produce Mr.A.V.Ramanarao, Advocate, before this Hon'ble Court and set him at liberty forthwith without further delay and further this court may be pleased to pass order and to send the order by wire on the costs of the petitioner.

Counsel for the Petitioner: PARTY-IN-PERSON

Counsel for the Respondents : THE ADVOCATE GENERAL

The Court at the admission stage made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

When the case was taken up on the last occasion, learned Special Government Pleader has pointed out that as per the instructions the alleged detenu is not under detention and was not arrested.

Today, affidavit of N.Mallaiah Swamy, Sub-Inspector of Police, Madhira, Khammam District, has been filed stating that there is a complaint registered against the alleged detenu vide Crime No.154 of 2004 under Section 420 IPC on the file of III Town Police Station, Khammam, and the same was re-numbered as Crime No.94 of 2004 on transfer to the file of Madhira Police Station. It is also stated that after the statement of the complainant was recorded, the police visited the house of the alleged detenu at Madhira and conducted panchnama at the scene of offence. The alleged detenu has not been arrested by the police and the petition is filed merely to stall the investigation and eventual arrest of the alleged detenu.

Since the alleged detenu is not under arrest, we find no substance in the writ petition.

The writ petition is dismissed.

_____

(DEVINDER GUPTA, C.J.)

5th October 2004.

_____

(C.V.RAMULU, J.)

ARS

To

1.Station House Officer, Madhira Police Station,

Madhira, Khammam District
2.State of A.P., rep. by its Secretary,

Home Deparatment, Secretariat, Hyderabad.
3.Director General of Police, Saifabad, Hyderabad.

4.Two C.Cs to the Advocate General, High Court Bldgs., Hyderabad (OUT).

5.Two C.D. copies.